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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/683,600

01/24/2002

Scott C. Harris

Connect-Net

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23844

7590

11/08/2011

SCOTT C HARRIS

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EXAMINER

JACKSON, BLANE J

ART UNIT

PAPER NUMBER

2618

NOTIFICATION DATE

DELIVERY MODE

11/08/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

scott@harrises.com

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<b>Office Action Summary</b>	<b>Application No.</b> 09/683,600	<b>Applicant(s)</b> HARRIS, SCOTT C.	
	<b>Examiner</b> BLANE J. JACKSON	<b>Art Unit</b> 2618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2011.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 5) ☒ Claim(s) 13-15, 17, 18, 27 and 28 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 13-15, 17, 18, 27 and 28 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 13-15, 17, 18, 27 and 28 have been considered but are moot in view of the new ground(s) of rejection. Prior art Mahoney is introduced to teach the amended subject matter.

### ***Claim Objections***

Claims 27 and 28 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. These claims are directed to the computer communicating with an automated attendant to manage a *received call* which conflicts or comprises divergent subject matter with respect to the subject matter of parent claim 13. Claim 13 is directed to a computer, without an automated attendant, controls *placing a telephone call*.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 28 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Where various functions of the automated attendant are discussed in the specification, the concept where "said telephone function comprises communicating with an automated attendant by automatically entering an extension" is not.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 13, 14, 17 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Mahoney US 6,563,911.

As to claim 13, Mahoney teaches a system, comprising:

A computer, including commands for controlling a telephone function that controls placing a telephone call (figures 1 and 2, column 6, line 60 to column 7, line 67,

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a WAN, WLAN, LAN or Internet comprising a *name dialer server (21 or 200)* comprising a voice responsive system and telephony services to interact with the remote wired or wireless communication device user (19 or 221 or 215) to determine and place a call),

said computer sensing a first voice command and responsive to sensing said first voice command, accessing a contact list that is stored in said computer to determine a match in said contact list to said first voice command (column 7, lines 26-51, the user is prompted to say the name or number of the person to call and the dialer determines a match with the caller's contact information),

said computer detecting an ambiguity in detecting a match between said first voice command and said contact list- and creating a synthesized voice response that requests information about which item in said contact list is intended to be said match (column 7, lines 52-64, once a match is made, the software determines if more information is needed from the caller and if so, a reprompt is initiated as needed),

said computer receiving a voice response recognized responsive to said creating said synthesized voice response (column 7, lines 52-64, once a match is made, the software determines if more information is needed from the caller and if so, another prompt is initiated as needed),

said computer including a connection to said telephone function, wherein said computer operates to obtain recognized voice information from said response, said computer storing plural different contact information for plural different contacts as part of said contact list (figure 2, column 7, lines 52-64, the name dialer software prompts

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the user to say which of several numbers for each called party on the contact list to use),

wherein said computer compares said recognized voice information against said plural different contact information, and recognizes said recognized voice information to select only one contact detail among said plural different contacts, and controls automatically controlling said telephone function using said one stored contact detail obtained from the recognized voice information (figure 2, column 7, lines 52-64, the name dialer software prompts the user to determine which number of several for each called party on the contact list to use).

As to claim 14, Mahoney teaches a system as in claim 13, wherein said voice command is received by said computer in an electronic form which represents an electronic version of the voice command first electronically operated device is included within a portable telephone (figure 1, column 6, line 60 to column 7, line 15, portable wireless telephones to communicate digital data through the network).

Claim 16 is cancelled.

As to claim 17, Mahoney teaches a system as in claim 13, wherein said second voice requests information indicative of whether a recognized contact should be called at a home number, and office number, or a mobile number (column 7, lines 52-64, the

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caller is prompted to determine which contact number to use, office, home or a cell phone number).

As to claim 18, Mahoney teaches a system as in claim 13, wherein said telephone function comprises a function that connects a call to said selected stored contact information (column 7, lines 42-64, the call name is compared to the user's contact list for a match).

Claims 19-26 are cancelled.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mahoney in view of Nuestro US 6,801,928).

As to claim 15 with respect to claim 13, Mahoney teaches the user may be a workstation or portable digital wireless telephone communicates a digitized, compressed and encoded message to the name dial server via a network and/ or PBX, figure 1, but is silent the message is a wave file.

Nuestro teaches a network based server comprising an interactive voice response (IVR) unit to interact with a computer based client node. Nuestro discloses the voice data is translated into a digital voice file such as a WAV or MPEG file before propagation to and from the client node, column 5, lines 39-52.

Since Mahoney teaches the name dialer software comprises the IVR function which stores a set of phonemes to be used in voice recognition, column 7, lines 26-55, it would have been obvious to one of ordinary skill in the art at the time of the invention for the caller using a wireless digital telephone to utilize the .wave file format to communicate voice commands and responses for processing by the name dialer server.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mahoney US 6,563,911 in view of Shank et al. US 6,965,925.

As to claim 27 with respect to claim 13, Mahoney teaches a voice responsive system for making telephone calls automatically without dialing, prompted by speaking the name or entry already contained within a computer based IVR and address book, column 1, lines 10-17, but is silent to a system wherein the telephone function comprises operations on the computer for communicating with an automated attendant that answers for the stored contact information.

Shank teaches a server that provides media and telephone services in a telecommunication network, Abstract, figure 1. Shank teaches media services include services for text to speech translation, interactive voice response and speech



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recognition and telephony services include call control services such as making and taking calls, transferring calls and joining calls, column 2, lines 43-67.

Since Mahoney teaches the PBX includes telephone lines for outgoing and incoming calls through a conventional telephone system, column 7, lines 8-15, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the telephony services of Shank in the system of Mahoney to handle incoming calls in accordance with the stored contact lists.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BLANE J. JACKSON whose telephone number is (571)272-7890. The examiner can normally be reached on Monday through Friday, 8:30 AM-5:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BLANE J JACKSON/  
Primary Examiner, Art Unit 2618